

T4091 LARSEN

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 4091

APPLICATION FOR TRANSFER OF WATER RIGHT RECEIVED

APPROVED

PART 1

DEC 21 1992

Department of Water Resources

4. McFARLAND (There are two Part 2 forms to this application)

Name of applicant Blaine Larsen, Blaine Larsen Farms, Inc. Phone (208) 662-5501
Post Office address P. O. Box 188, Hamer, Idaho 83425

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion • Add diversion point(s) ☒ Change place of use
• Change nature of use • Change period of use • Other _____

2. Describe the reason for the proposed changes To provide irrigation water on crop land owned by the Applicant for the 1993 irrigation season. This is one of six transfers filed contemporaneously as a package. See Remarks on page 2.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>36-07015A</u>	<u>2/14/68</u>	<u>0.97 c.f.s.</u>	<u>irrigation</u>	<u>May 1</u> to <u>Oct. 1</u>
<u>36-02074B</u>	<u>7/27/43</u>	<u>0.75 c.f.s.</u>	<u>irrigation</u>	<u>Mar. 15</u> to <u>Nov. 15</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 1.72 cubic feet per second and/or _____ acre feet per annum.

3. Source of water Groundwater tributary to _____

4. Point(s) of Diversion: See Attachment 1 and Remarks on page 2.

5. Lands Irrigated or place of use. See Attachment 2 and Remarks on page 2.

Total acres _____

PART 1

6. General Information:

a. Description of diversion system Wells and pumps with pivot and lateral irrigation systems

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

The transfer is identical to the transfers of these rights approved in 1990 and 1992. The points of diversion and places of use after change are contained in Attachments 1 and 2, respectively, which accompany all six transfers in this package.

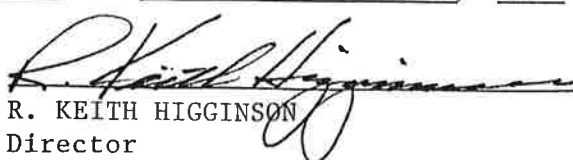
d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 36-07015A & 36-02074B
And said application is hereby Approved, subject to the following limitations and conditions:

See attached Memorandum Decision and Order.

Witness my hand this 15 day of April, 19 93.


R. KEITH HIGGINSON
Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. _____ Decreed to _____

in case of _____ vs. _____

dated _____ in _____ county of _____

b. License No. 35-7015A issued by the Idaho Department of Water Resources.

c. Claim No. _____ on file with the Idaho Department of Water Resources.

d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☐ Warranty Deed

☒ Other lease of water rights for 1993

3. Source of water groundwater tributary to Snake River

4. Date of priority February 14, 1968

5. Water is used for the following purpose:

amount 0.97 cfs for irrigation purposes from May 1 to October 1
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 0.97 cubic feet per second and/or _____ acre-feet per annum

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	SW	28	8S	22E	Minidoka	

8. Lands irrigated or place of use.

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NEK	NWK	SEK	SWK	NEK	NWK	SWK	SEK	NEK	NWK	SWK	SEK	NEK	NWK	SWK	SEK	
8S	22E	28									38	38.6	38.6	37.4					152.6

9. Describe any other water rights used for the same purpose as described above 36-2074

Total acres 152.6

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
 No. _____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use.

Twp.	Rge.	Sec.	NE ¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SE¼	SW¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use.

Twp.	Rge.	Sec.	NE ¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SE¼	SW¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 36-2074 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☒ Other lease of water rights for 1993

3. Source of water groundwater tributary to Snake River

4. Date or priority July 27, 1943

5. Water is used for the following purpose:

amount 0.75 for irrigation purposes from March 15 to November 15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 0.75 cubic feet per second and/or _____ acre-feet per annum

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	SW	28	8S	22E		

8. Lands irrigated or place of use.

Twp.	Rge.	Sec.	NE ¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SE¼	SW¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
8S	22E	28									1.7	38.6	38.6	1.1					80

Total acres 80

9. Describe any other water rights used for the same purpose as described above 36-7015A

PART 2

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No. _____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use.

Twp.	Rge.	Sec.	NE ¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SE¼	SW¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use.

Twp.	Rge.	Sec.	NE ¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SE¼	SW¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

PART 3**B. CHANGES IN NATURE OF USE**

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 17th day of December, 1992.

Blaire Loring
(Signature of Applicant)

Sherrie Rodgers
(Notary Public)

My commission expires 5/15/95

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by SC Date 12/21/92 Protest filed by _____Prelim. check by Jim J Fee 50⁰⁰ _____Received by SC Date 1/5/93 #C026425 _____

Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

ATTACHMENT 1: Points of Diversion after requested change

1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Pump
SE	SE	SE	4	7N	36E	Jefferson	49
SE	NW	SE	11	8N	36E	Jefferson	89
NE	SW	SW	11	8N	36E	Jefferson	90
NE	NE	NW	10	8N	36E	Jefferson	93
NE	NW	SW	3	8N	36E	Jefferson	94
SE	SW	SW	34	9N	36E	Clark	95
SE	SW	NW	34	9N	36E	Clark	96
SE	SE	NE	34	9N	36E	Clark	97
SE	NE	NW	34	9N	36E	Clark	98
NW	SE	SE	27	9N	36E	Clark	99
NW	SE	NE	27	9N	36E	Clark	100
NW	SE	NW	26	9N	36E	Clark	101
SE	NW	NE	26	9N	36E	Clark	102
NE	NW	NE	35	9N	36E	Clark	103
NW	SW	SE	24	9N	36E	Clark	104
SE	SE	SE	24	9N	36E	Clark	105
NW	NW	SW	22	9N	36E	Clark	106
NE	SW	NW	27	9N	36E	Clark	107
SE	SW	SW	27	9N	36E	Clark	108
SE	NW	NE	33	9N	36E	Clark	109
NW	SE	NW	28	9N	36E	Clark	110
NW	NW	SE	31	9N	36E	Clark	111
SE	NW	SE	33	10N	36E	Clark	112
NE	SW	SE	34	9N	36E	Clark	113
SW	NE	SW	25	9N	36E	Clark	119
SE	SW	NE	25	9N	36E	Clark	120
NW	SW	NW	13	8N	36E	Jefferson	123

2

[illegible]

ATTACHMENT 2: Places of use after requested change

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Pump	Acres
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼		
7N	35E	4													35			25		
9N	36E	25						12	16											
		26	37	10.9	17	40													#102	132.9
9N	36E	25											12							
		26															4	31		
		35	28	3															#103	83
		36						5												
9N	36E	24			3					6	40	14.6	16	39		36	35			
		25		3			6												#104	198.6
9N	36E	24																22.5		
		25	38			5														
	37E	19											19						#105	119.5
		30						33		2										
9N	36E	21				23									31			10		
		22							36	15	17	40	18	3.2					#106	193.2
9N	36E	27					20	39	40	33	8	17								
		28	14			23									2				#107	196
9N	36E	27									7	14	40	36						
		28													2.4			23		
		33	16																#108	199.4
		34					24	37												
9N	36E	33	10.2	37	39	14	12			15									#109	127.2
9N	36E	28					32	32	32	32									#110	128
9N	36E	31			19				5	39	39	5				19			#111	126
10N	36E	33				23.5									40			25		
		34							23			40	25						#112	176.5

ATTACHMENT 2: Places of use after requested change																				
Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Pump	Acres
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼		
7N	35E	4													35			25		
8N	36E	3	27	27																
9N	36E	34												7		2.4	39	25	#113	127.4
9N	36E	25									39.5	14	12	36		9	7		#119	117.5
9N	36E	25			30	35									26	23.4			#120	114.4
8N	36E	13						31.4												
		12											31.4						#123	62.8
																	TOTAL ACRES			4074.4

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Pump	Acres
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼		
7N	35E	4													35			25		
8N	36E	3	27	27																
9N	36E	34												7		2.4	39	25	#113	127.4
9N	36E	25									39.5	14	12	36		9	7		#119	117.5
9N	36E	25			30	35									26	23.4			#120	114.4
8N	36E	13						31.4												
		12											31.4						#123	62.8
																	TOTAL ACRES			4074.4

[illegible]

156

RENEWAL OF LEASE OF WATER RIGHTS FOR 1993

This Renewal, made and entered into on the 16th day of Dec, 1992, is an addendum to the Lease of Water Rights dated December 16, 1988 ("Lease"), a copy of which is attached hereto, and executed by and between Frank McFarland, Lessor, and Blaine Larsen, Larsen of Idaho and Larsen Farms, Lessee.

1. Pursuant to paragraph 5 of the Lease, the Lessee hereby exercises and, Lessor hereby accepts, Lessee's option to renew the Lease for a term of one additional year commencing April 1, 1993.

2. In consideration of the mutual covenants herein, and in consideration of Ten Dollars (\$10.00) and other valuable consideration in hand paid, the receipt of which is hereby acknowledged by the parties hereto, the parties hereby modify the Lease to provide at Lessee's option that Lessee may renew the Lease on the same terms and on a year-to-year basis for up to two additional years following the 1993 irrigation season.

3. The parties hereto contemplate the filing of a one-year transfer to the Lessee's property of the places of use and points of diversion of the water rights described in the Lease for the 1993 irrigation season (the "1993 Transfer"), similar to the one-year transfer referenced in the Lease and approved by the Idaho Department of Water Resources on April 19, 1989. This Renewal is completely contingent upon the approval of the 1993 Transfer.

4. The amount of rent to be paid for this Renewal shall be One Thousand and no/100 Dollars (\$1,000.00) per year for that portion of the licensed rights that heretofor had been appurtenant to 156 acres of Lessor's property as described in the Lease. The Lessee shall pay such sums to the Lessor on April 1, 1993 or within 10 days following the approval of the 1993 Transfer, whichever is later.

5. All other terms of the Leases not expressly modified herein shall govern the rights and obligations of the parties during the period of this Renewal.

IN WITNESS WHEREOF, the parties executed this Renewal of Lease on the day and year first above written.

LESSOR:

LESSEE:


Frank McFarland


Blaine Larsen, individually and on
behalf of Larsen Farms and Larsen of
Idaho

STATE OF IDAHO)
) ss.
County of Jefferson)

On this 16th day of Dec October, 1992, before me, the undersigned, a Notary Public in and for said State, personally appeared BLAINE LARSEN, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

[Signature]
Notary Public for Idaho
Residing at Castledale, Id
My commission expires: 8-16-97

STATE OF IDAHO)
) ss.
County of Jefferson)

On this 16th day of Dec October, 1992, before me, the undersigned, a Notary Public in and for said State, personally appeared BLAINE LARSEN, on behalf of Larsen Farms, and on behalf of Larsen of Idaho, corporations, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same on behalf of said corporations.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

[Signature]
Notary Public for Idaho
Residing at Castledale, Id
My commission expires: 8-16-97

STATE OF Calif.)
County of Nevada) ss.

On this 27 day of ~~October~~ ^{November}, 1992, before me, the undersigned, a Notary Public in and for said State, personally appeared FRANK MCFARLAND, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



262 S. Auburn. Grass Valley, CA 95959

Dawn L. Cole
Notary Public for California
Residing at Grass Valley
My commission expires: May 19, 1994

LEASE OF WATER RIGHTS

FRANK McFARLAND ("Lessor"), hereby leases to BLAINE LARSEN, LARSEN OF IDAHO and LARSEN FARMS ("Lessee"), all of Lessor's right, title and interest in and to Water Right Nos. 36-2074 and 36-7015 (collectively, the "water rights") as described herein, in exchange for Five Dollars (\$5.00) per acre of land upon which Lessor's rights are appurtenant, and other good and valuable consideration from Lessee, the receipt of which is hereby acknowledged.

1. The water rights to be leased (the "leased water rights") consist of all rights under Licenses 36-2074 and 36-7015 which are appurtenant to 320 acres of Lessor's property, described as the South Half of Section 28, Township 8 South, Range 22 East of the Boise Meridian, Minidoka County, Idaho.

2. Lessee waives any rights he may have pursuant to Article 15, Section 4 of the Idaho Constitution, to the use of the water rights beyond the terms of this lease.

3. Lessor covenants that all lands described in paragraph 1 to which the leased water rights are appurtenant are set aside from production as part of the Conservation Reserve Program ("CRP") sponsored by the United States Department of Agriculture and shall not be irrigated in 1989.

4. During the term of this Lease and during any extension, Lessee shall place to beneficial use for irrigation purposes only waters approved for use under the leased water rights.

5. The term of this Lease shall be one (1) year, to commence on April 1, 1989 and to terminate on October 1, 1989. This Lease may be extended or renewed only upon the express written consent of both parties.

6. Lessor covenants and represents that he is the true and lawful owner of the water rights and that these rights have not lapsed, been abandoned or forfeited either in whole or in part. Lessor makes no covenant or representation about the actual quantities of water that the Idaho Department of Water Resources ("Department") may recognize for transfer or diversion under the water rights, regardless of the amount stated in any permit, claim or license.

7. Lessee shall be entitled to file all necessary applications with the Department to transfer the places of use and points of diversion of the water rights on a temporary basis.

Lessee shall cooperate as necessary in securing such transfers and processing such application(s) and shall execute any documents necessary to achieving the transfer. This Lease is conditioned upon the Department's approval of a transfer of the leased water rights from Lessor's present places of use and points of diversion to places of use and points of diversion located on lands owned by Lessee.

8. Lessor shall not be liable for any damage to Lessee sustained by reason of any action of the Department effecting the shutdown of some or all of Lessee's irrigation operations under the leased water rights to protect the water rights of other appropriators.

9. This agreement may not be assigned by either party without the express written consent of the other.

10. At the termination of the Lease, Lessee shall take all action necessary to transfer the leased water rights back to the places of use as specified in paragraph 1 above.

11. This Lease shall be effective only upon approval and consent in writing to the terms hereof by all mortgagees and owners of the real property to which the transfer of Lessor's rights are temporarily transferred to under this Lease.

12. This Lease shall be binding upon the respective heirs, successors and assigns of the Lessor and the Lessee.

DATED this 16th day of December, 1951.

LESSOR


Frank McFarland

LESSEE

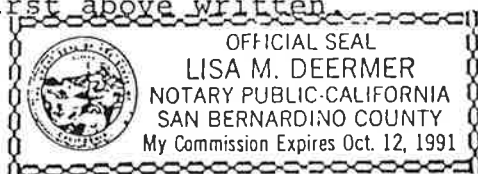

Blaine Larsen, individually
and on behalf of LARSEN OF
IDAHO and LARSEN FARMS

STATE OF California)
) ss.

County of San Bernardino

On this 16 day of December, 1989, before me,
the undersigned Notary Public in and for said State, personally
appeared FRANK McFARLAND, known to me to be the person whose name
is subscribed to the within instrument, and acknowledged to me
that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my official seal, the day and year in this certificate
first above written.



(SEAL)

Lisa M. Deermier
Notary Public for San Bernardino County
Residing at Herzogen, California
Commission Expires October 12, 1991

STATE OF IDAHO)
) ss.

County of Jefferson

On this 30th day of December, 1989, before me,
the undersigned Notary Public in and for said State, personally
appeared BLAINE LARSEN, known to me to be the person whose name
is subscribed to the within instrument, and acknowledged to me
that he executed the same on behalf of himself, LARSEN OF IDAHO
and LARSEN FARMS.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my official seal, the day and year in this certificate
first above written.

(SEAL)

Robert Van
Notary Public for Idaho
Residing at Idaho Falls, Idaho
Commission Expires 3-19-91